

REMARKS

Claims 1-6, all the claims pending in the application, stand rejected. Claim 1 is amended.

Claims 1, 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over. Zerbe (EP 0934851 A2) in view of Choate (3,840,883) and Suzuki (5,034,772). This rejection is traversed for at least the following reasons.

The Examiner now admits in the Response to Arguments at page 2 of the Office Action that the amendments to the claims do overcome the combination of previously cited art. This conclusion is based on the addition to claim 1 that provides that (1) only the lens projects within the hood and (2) the lens is housed within the hood.

Zerbe

The Examiner admits at page 4 of the Office Action that there are two significant differences between the present invention and Zerbe. First, Zerbe does not disclose (1) that the lens is housed within the hood and (2) that a breathable dustproof filter is provided on a part of the hood.

As to point (1), Applicants note that the lens 8 is within the windshield. Applicants again assert that this is a significant structural difference as the problem confronted by the present invention does not exist in Zerbe. Specifically, the sensor optics 8 do not experience the negative influence of the inner area of the automobile (dust, moisture, etc.), as explained at col. 3, lines 45-50. An expensive and complicated windshield arrangement must be provided, as shown in Fig. 1 of Zerbe.

Choate

Choate is cited for a teaching that a hood of a camera can house a lens (Fig. 1). The Examiner asserts that it would be obvious to modify Zerbe to have a hood on the basis of Choate.

The justification asserted by the Examiner for even considering the two references together is because, according to the Examiner, they are “from the same field of endeavor,” namely the physical construction of camera systems.

The Examiner ignores the fact that Zerbe does not need a hood. Why would one skilled in the art put a hood over a lens already protected by embedding in the windshield. Further, why would one skilled in the art take the lens out of the windshield, where the patent teaches it should be embedded. The teaching is clearly away from the suggestion by the Examiner. The Examiner must use hindsight to even remove the lens from the windshield and create a separate hooded detection device.

Further, even if the lens is taken from the windshield, why would a hood be used on the basis of the teachings of Choate? Choate concerns a hand held camera. The lens hood and cover indicated generally at 20 is associated with a 35mm camera. There is a hood member 30, which is of frustoconical configuration and has structures that adapt to attachment to a camera and a cover 32 that is pivotally supported on the hood by a wire frame assembly 34. How and why would such structure be used in Zerbe? The clear answer is that it would not be used in Zerbe.

Even on the basis of the KSR decision by the Supreme Court, there must be some basis for combining the two references, one of which can be a teaching suggestion or motivation. Clearly, none of these is present.

Claims 2, 4 and 6

With regard to these claims, Applicants respectfully rely upon the patentability of parent claim 1 and the reasons given in the previous amendment.

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zerbe (EP 0934851 A2) in view of Choate (3,840,883) and Suzuki (5,034,772) and further in view of Fujii (5,922,105). This rejection is traversed for at least the following reasons.

Claim 3

This rejection is overcome on the basis of the patentability of the parent claim, and the reasons given previously.

Claim 4

This rejection is overcome on the basis of the patentability of the parent claim, and the reasons given previously.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Zerbe (EP 0934851 A2) in view of Choate (3,840,883) and Suzuki (5,034,772) and further in view of obvious engineering design choice.

Again, patentability of this claim is based on the dependence from claim 1 and the arguments previously given.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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